

**PLANNING AND REGULATION COMMITTEE
1 NOVEMBER 2021**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Hall, C S Macey, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear and T Smith

Robert Close (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning) and Martha Rees (Solicitor)

33 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors A M Newton and P A Skinner.

34 DECLARATIONS OF MEMBERS' INTERESTS

The Chairman acknowledged that he, and other members of the Planning and Regulation Committee, had received a number of pieces of correspondence from members of the public and community action groups.

35 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 6 SEPTEMBER 2021

That the minutes of the previous meeting held on 6 September 2021, be approved as a correct record and signed by the Chairman.

36 MINUTES OF THE SITE VISIT TO LAND OFF HIGH STREET, BISCATHORPE

That the minutes of the site visit to Land off High Street, Biscathorpe held on 1 November 2021, be approved as a correct record and signed by the Chairman.

37 TRAFFIC ITEMS

38 NORTH GREETWELL A158 - PROPOSED PUFFIN CROSSING FACILITY

The Committee considered a report in connection the outcome of a pedestrian crossing survey following a request for a crossing facility on the A158 within North Greetwell put forward by the

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Parish Council. Owing to the high traffic flow on the A158, and speed limit greater than 30mph, the installation of a zebra crossing was precluded by the Pedestrian Crossing Policy. However, the policy enabled some flexibility for scheme selection and, in the case of this site, approval for a Puffin crossing was given by the Planning and Regulation Committee.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimously)

That the Committee support the submission of a funding bid for the feasibility study, design and the installation of a puffin cross at this location.

39 HUTTOFT A52 - PROPOSED 30MPH SPEED LIMIT

The Committee considered a report which detailed a request from Huttoft Parish Council and the local Member for the existing 40mph speed limits on the A52 through Huttoft to be reduced to 30mph. Investigations had indicated that conditions to the south of the village may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimously)

That the Committee approved the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may take place.

40 LANGRICK - ARMTREE ROAD, GIPSY DROVE AND MERE BOOTH ROAD - PROPOSED 30MPH SPEED LIMIT

The Committee considered a request for the reduction of the existing 40mph speed limit to 30mph on Armtree Road, Gipsy Drove and Mere Booth Road. Investigations had indicated that conditions here may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimously)

That the Committee approved the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may take place.

41 HORNCastle, VARIOUS ROADS - PROPOSED WAITING RESTRICTIONS

The Committee considered a report in connection with a request by Horncastle Town Council to remove double yellow lines on Foundry Street and objections received to the proposed introduction of waiting restrictions on West Street, Stanhope Road, Bowl Alley Lane and Tudor Park. Objections to the proposed reduction in restrictions at Foundry Street had been received from ELDC and Lincolnshire Fire and Rescue. The junction with Albert Street was very narrow and access for the District Council's refuse vehicles will be made more difficult if the restrictions are reduced. The concerns made by ELDC and Lincolnshire Fire & Rescue regarding the proposed reduction in parking restrictions on Foundry Street were noted, and it was recommended that this proposal progressed no further. Objections had been received to the proposed short length of restriction adjacent to No.67 West Street as this would prevent the resident of that property from parking across their driveway. It was recommended that the section adjacent to No.67 was removed from the traffic regulation order as a minor modification. An objection to the proposed restrictions on Stanhope Road had been received from a resident, citing that on street parking did not currently result in any issues here and they did not support the idea that removing it would improve pedestrian safety or traffic flow. However, it was considered that the order would stop vehicles displaced by new restrictions elsewhere migrating to the area where the school crossing patrol operates. Five objections had been received to the proposed restrictions at Bowl Alley Lane and its junctions with Tudor Park. Officers' consensus was that parking for staff at the two schools should be provided within the school sites to remove it from Bowl Alley Lane and Tudor Park. Redevelopment of St Lawrence School was scheduled to be completed by September 2023 and would include additional parking for staff and visitors on site. That being the case, long term parking on Bowl Alley Lane and at Tudor Park throughout the day is likely to reduce significantly at that time.

On a motion proposed by Councillor T R Ashton and seconded by Councillor R P H Reid, it was:

RESOLVED (Unanimously)

1. That the proposed revocation of double yellow lines on Foundry Street be not proceeded with.
2. That a minor modification is approved to remove the proposed restriction outside No. 67 West Street.
3. That the objection to the proposals on Stanhope Road be overruled.
4. That the objections to the proposals on Bowl Alley Lane and Tudor Park be overruled.

42 COUNTY MATTER APPLICATIONS

43 FOR A SIDE TRACK DRILLING OPERATION, ASSOCIATED TESTING, AND LONG TERM OIL PRODUCTION AT LAND OFF HIGH STREET, BISCATHORPE - (APPLICANT) EGDON RESOURCES U.K. LIMITED (AGENT AECOM LIMITED) - N/059/00510/21

The Committee considered a report where planning permission was sought by Egdon Resources U.K. Limited (Agent AECOM Limited) (the applicant) for a side-track drilling operation associated testing, and long-term oil production at Land off High Street, Biscathorpe in the parish of Gayton le Wold.

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The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application. He also updated Members verbally on further comments and objections that had been received since the publication of the report. In addition, he confirmed to Members a number of updated conditions should the application be approved.

The report recommended that, subject to the applicant completing a Section 106 Planning Obligation to secure landscape planting and the long-term management of the habitats providing for Biodiversity Net Gain outside of the application site boundary, the Committee grant conditional planning permission to this application.

Mr Mark Abbott, CEO of Egdon Resources, was invited to address the Committee in capacity as the applicant for this proposal. He informed Members that national energy policy was aimed at reducing demand and consumption the public, but it was not part of national policy to reduce emissions by limiting the production of hydrocarbons in the UK. There was no policy which stated that a net zero carbon economy in 2050 would be hydrocarbon-free. Both the Government's energy white paper, and the Climate Change Committee, stated that oil would continue to be needed and used up to and beyond 2050. Oil had uses for transport, heating and as an important feedstock vital to the petrochemical industry. The increase in the cost of gas had clearly shown that the UK needed to have secure and affordable energy supplies. Indigenous UK oil supplies, such as at Biscathorpe, had a significantly lower carbon footprint than imported oil. UK oil was produced under far more stringent environmental regulations than many other countries. If significant natural gas was found, this would also facilitate locally produced energy. He confirmed to Members that Egdon recognised that exceptional circumstances needed to be demonstrated for planning permission to be granted for major development in an Area of Outstanding Natural Beauty (AONB). Egdon was granted a licence by the Oil and Gas Authority in 2008 to explore and produce oil and almost all of their area lay within the AONB. All minerals were a finite resource and could only be worked where they were found. A well had already been drilled safely with no detrimental effects at this site. With any development there would be some environmental impacts. Egdon had worked very closely with Council officers for more than a year to reduce those impacts as much as possible. Some objectors had raised concerns about potential contamination to the River Bain. The site had been constructed to high standards with impermeable layers that prevented infiltration of surface water. Mr Abbott confirmed that the River Bain water quality had been monitored throughout the life of the site. Before any work started, a scheme of off-site planting would increase biodiversity. During the longer-term production phase, there would normally be no night-time illumination and therefore no impact on the dark skies of the area. Given the site's location, the low number of traffic movements and the temporary and wholly reversible nature of the development, the benefits of the scheme in helping to provide security for the UK's energy needs strongly outweighed any negatives as supported by the officers' recommendation. There would be a positive economic benefit to the local economy in terms of jobs, business rates, support for local business and a community fund. At end of production, the site would be restored back to agriculture.

Members of the Committee asked, if the intention was to restore the site back to its original state, how this could be ensured. Mr Abbott explained that assurance of this was confirmed from the conditions recommended by officers. The well itself would be clogged after its use while biodiversity planting would remain.

Appreciating the public response, the Committee asked if consultation had been carried out with the public. Mr Abbott stated that a community liaison group had been formed and had met periodically. An open day had been held previously and, due to Covid-19 safety, an online session had been held, allowing an open forum for questions.

Mr Nick Bodian, Chairman of Community Liaison Group Biscathorpe Oil Drill and member of Save Our Streams Biscathorpe, was invited to address the Committee in objection to this application. Mr Bodian confirmed to members that five Parish Councils, six public bodies, 1,800 members of the public and the local MP all objected to this proposal. A decision to approve this application would have a massive detrimental impact on an AONB and the wellbeing of communities. He told Members that Lincolnshire County Council's environmental policy stated that "the Council would lead by example" in respect of climate change. Mr Bodian stressed that the Council had the opportunity to do just that, particularly with COP26 in mind. Approval of this application would be a backwards step to combat climate change. There was an urgent imperative to change rhetoric into action and stop any further fossil fuel extraction. No benefit to the local community would arise as a result of this application while the impacts to tourism and the AONB would suffer. This site would contribute 0.3 per cent of the UK's oil requirements while the carbon emissions it would generate after just one year were the equivalent of 10 times the Council's entire carbon saving target for 2023. Net zero carbon or biodiversity could not be ensured while applications such as this were approved. New sites were often developed close to existing ones; this application could be the gate way to heavy industry in an ANOB. Egdon had not yet completed exploration, nor hit oil, but they ask for 15 years of production to be approved with, yet, unknown methods. Vagueness of the application was extremely worrying. Questions raised by the Campaign to Protect Rural England's (CPRE) planners were yet unanswered. Why hadn't a regulation 25 notice been issued to obtain this information.

Making reference to Mr Abbott's suggestion that domestically produced oil would result in an overall lower carbon impact than imported oil, the Committee asked if Mr Bodien had a comment on that submission. Mr Bodien explained that there was no reason to suggest that the UK wouldn't export domestically produced oil for profit regardless. The vast majority of scientific and governmental bodies agree that further fossil fuels should not be extracted from the ground.

Councillor H Marfleet, adjacent local member to the application site division, was invited to address the Committee. In addressing Members, he confirmed the UK had a strong supply of oil and already had existing oil wells in the UK. There was no need for further oil to be drilled. The risk for particular parts of Lincolnshire was a significant risk of flooding as a result of climate change. The Prime Minister stated at COP 26 that consideration whether to drill was a local decision and should only be informed by national strategy. The relatively insignificant size of the well wouldn't necessarily contribute a significant amount of fuel to the UK's energy supply, thus the officers' suggestion that it was important to ensure energy security wasn't accurate. Reference was made within the report that this application would align with the Greater Lincolnshire Local Enterprise Partnership (GLLEP), however no mention to this sort of strategy was made in GLLEP while decarbonisation and clean energy mentioned. The application site sat in an AONB which had yet to be spoiled. The way forward were renewable energies such as wind turbines that, through the efforts of concerned residents, had been driven offshore creating a dynamic business in the process. COP Lincolnshire stressed the importance of saying no and taking positive action. There was a clear risk of setting a precedent for

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future developments, particularly as East Riding and the Isle of Wight Councils had already refused similar applications. Climate Change and the Environmental Impact assessments were currently being legally challenged. National Planning Policy Framework (NPPF) stated that major development should be refused in an AONB outside of exceptional sustainable circumstances. Nothing in this application could reasonably be considered sustainable.

Councillor S Bunney, adjacent local member to the application site division, was invited to address the Committee. He addressed Members and stated there was no doubt that the world was facing a climate and environmental disaster. It was imperative that the UK set an example to all nations by adhering to the International Energy Agency's advice that no fossil fuels should be approved until the target of reducing global warming of 1.5 degrees centigrade had been reached. All fossil fuel reserves should remain underground to keep the target of 1.5 alive. In the proposals for this application, Egdon argued that the scheme was in the public interest as it would provide as sustainable energy supply for the UK market and reduce the need for imports in addition to employment opportunities. The projections submitted by the applicant would supply the UK with energy for 1.5 days over the site's lifetime. Thus, unlikely to have an impact on imported fuels. While 36 jobs would be created in the first phase of the application, only 12 would be based in Lincolnshire and this phase would last for a matter of weeks. Subsequent phases would provide more jobs; up to seven full time, and six part time. However, five of those roles would be based at the companies HQ in Hampshire while others were designated for Heavy Good Vehicle drivers, likely to be appointed from outside of the area. In a different industrial application, with similar public objection, the Council suggested that the local community made the final decision, he asked why shouldn't Biscathorpe residents be offered the same facility given the clear public perspective. While Section 106 agreements and public compensation schemes were offered, how could members be confident that the offerings made would be appropriate for the area.

In response to the reference made to the amount of fuel potentially generated by this application, the Committee were advised by the Head of Planning that national policy didn't have a minimum fuel supply threshold.

Noting that paragraph 215 of the NPPF stated that the exploration, appraisal and production phases of development should be clearly distinguished; Members of the Committee asked why they were now being considered together. It was explained to Members by the Head of Planning that the exploration phase had largely been completed. The present application focused on the appraisal and production phases. Guidance suggested it may be best practice to consider phases separately as it would allow developers the opportunity to consider viability before committing to the project.

Appreciating the clear climate change issue, Members question if there was indeed any legal standing to refuse this application on the grounds of the impact to the wider climate change agenda. It was advised by the Solicitor that the report submitted by officers was considered to be both in depth and detailed. The recommendation as a result of the report was supported by legal officers.

Members asked if, during the exploratory phase, were any complaints received by residents and if so, would any changes be made if this application were to be approved. The Head of Planning explained that complaints were received on the issue of lighting; however, the applicant would have the

opportunity to address these concerns in further phases of development. In addition, while complaints may be received, they would need to be considered justifiable to be upheld.

Observing the recommended Section 106 agreement, Members asked what, if any, planning gain could be expected from this application's approval. It was advised that the increased biodiversity and planting could be expected if approved. In addition, the applicant indicated that they would be prepared to contribute a sum of £50,000 to the local community. However, this wasn't conditioned and fell outside of the Section 106 agreement.

Making reference to the impact to chalk streams in Lincolnshire, Members asked what damaged could be done underground even if the area above ground was negligibly affected. It was advised by the Head of Planning that no evidence had been observed of pollution to chalk streams after the Environment Agency introduced bore holes.

Members noted that, within the officers' report, it was acknowledged that the drilling rig would cause temporarily adverse impact. They asked how long this period of adverse impact would be for. They were advised that the drilling rig would be present on site for a period of eight weeks.

Noting that policy DM5 stated that applications in AONB would only be granted for minerals within or affecting the character or setting of the Lincolnshire Wolds AONB in exceptional circumstances. Members asked why officers felt this application to be exceptional. It was advised this application was considered to satisfy the clear national need where the exceptional circumstances test was examined.

Some Members commented that, while taking into account the impact of climate change, the UK still would be reliant on fossil fuels for the foreseeable future and needed stable access to energy. Drilling for fossil fuels was a well understood process. The site sat only 800 yards from a telephone transmitter that was larger in size than what had been proposed in this application. Therefore, it wasn't felt that this application would cause undue impact to an AONB. A motion was proposed by Councillor T R Ashton and seconded by Councillor A M Hall, moved that this application be approved as per officers' recommendations, however, was lost on a vote of 3 to 7 with 3 abstentions.

Taking into account the overwhelming view from local members and residents, some Members felt that this application would be of clear detriment to the area. Throughout the course of the debate, Members commented that the potential financial gain of this application wouldn't be felt by local residents, a very small number of jobs would be created, concerns of further impact to lighting, and the visual intrusion of an AOMB.

On a motion proposed by Councillor S A J Blackburn and seconded by Councillor R P H Reid, it was:

RESOLVED (7 to 4 against with 2 abstention (Councillor I G Fleetwood and Councillor Mrs M Overton))

It be confirmed that planning permission be refused for the reason set out below:

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'That due to the visual intrusion of an area of outstanding natural beauty, detrimental effect to light and the undue impact of noise, this application was considered to be contrary to policies DM1 and DM5 of the Lincolnshire Minerals and Waste Local Plan and was thereby refused.'

The meeting closed at 4.02 pm